

EXHIBIT 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE No. 11-CV-2509-LHK
ANTITRUST LITIGATION

CONFIDENTIAL PORTIONS DESIGNATED

Continued Videotaped Deposition of EDWARD E.
LEAMER, PH.D., Volume 3, taken at the offices
of O'Melvey & Myers LLP, Two Embarcadero Center,
Suite 2800, San Francisco, California commencing
at 9:03 a.m., on Monday, November 18, 2013,
before Leslie Rockwood, RPR, CSR No. 3462.

JOB No. 1765129
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1 jobs. When I used the word "payroll," sorry, I meant
2 number of jobs.

3 I haven't studied whether the jobs would have
4 been also influenced by the non-compete agreements, but I
5 wouldn't -- off the top of my head, I wouldn't think that 09:43:08
6 would be a big consideration.

7 Q. In fact, you're not aware of any evidence that
8 the alleged agreements suppressed the number of jobs that
9 would have otherwise been available at these firms?

10 A. I have not attempted to use the data sets to 09:43:20
11 speak to that question.

12 Q. Okay, I'm going to try that again.

13 A. So consequently, I have not explored it. It's
14 possible that I could use that data if it were somehow
15 important to answer that question. 09:43:29

16 Q. I'll try the question again.

17 You're not aware of any evidence that the
18 alleged agreements caused a reduction in jobs at the
19 defendants?

20 MR. GLACKIN: Object to the form. 09:43:40

21 THE WITNESS: Well, if you meant is evidence to
22 include the data sets, I'm -- I have not studied the data
23 sets to determine whether the information is in there,
24 but it could well be when analyzed appropriately. But I
25 have no direct knowledge of anything related to your 09:43:59

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1 question as I sit here today.

2 Q. BY MR. RILEY: Returning to one of the named
3 plaintiffs in this case, Siddharth Hariharan, are you
4 familiar with him?

5 A. Well, I've seen the list, and I've seen their 09:44:30
6 histories, but I have not met this gentleman, and I don't
7 know much beyond what I've just said.

8 Q. Hariharan was employed by Electronic Arts at a
9 base salary of \$61,000 before he joined Lucasfilm in
10 January 2007. 09:44:53

11 A. Is there a question pending?

12 Q. No, just give me one moment.

13 Let's turn to page 25 of your first report,
14 Dr. Leamer.

15 A. Yes. 09:45:38

16 Q. And you list Mr. Hariharan in his first year of
17 employment at Lucasfilm where he received a base annual
18 salary of 85,000 and a form of supplemental compensation
19 of 17.

20 A. That's correct. 09:46:01

21 Q. Okay. He came to Lucasfilm from Electronic Arts
22 where his total compensation was 61,000. Okay?

23 A. I don't have any knowledge of that.

24 Q. I'd like you to assume that for purposes of
25 these questions. 09:46:19

1 pursuing that are described in this paragraph, 37 and 38.

2 Q. What is the labor market in which both Intel and
3 the other defendants compete?

4 A. I think labor market again -- this is not a good
5 use of the word "labor market." But I would say skill -- 15:42:52
6 they compete for the same skill categories.

7 Q. And what companies are in that market?

8 A. Well, all these -- all these seven defendants
9 are hiring software engineers.

10 Q. And what other companies are in that market? 15:43:07

11 A. There are lots of others.

12 Q. How many?

13 A. I don't know how many. There's lots of them.
14 There are big ones and small ones.

15 Q. Do you have any more precise definition of what 15:43:20
16 the labor market is in which Intel competes?

17 MR. GLACKIN: Object --

18 Q. BY MR. PHILLIPS: Anything more than just the
19 same labor market as the other defendants?

20 MR. GLACKIN: Object to the form. 15:43:34

21 THE WITNESS: Well, I actualize this idea in a
22 model that allows for Intel to be driven not by the
23 information software variable but instead by hardware
24 variable.

25 Q. BY MR. PHILLIPS: But my question, sir, is do 15:43:47

1 share of the labor market for Adobe's employees that
2 Adobe constitutes?

3 MR. GLACKIN: Object to the form.

4 THE WITNESS: The share of the labor market that
5 employees -- that Adobe employees constitute? 16:54:59

6 Q. BY MR. MITTELSTAEDT: Yeah.

7 A. Well, if you said -- if these were software
8 engineers, there's plenty -- there's a large number of
9 software engineers outside of this group of seven
10 employees. 16:55:12

11 Q. But my question is any estimate of the share of
12 Adobe's employees for their labor markets.

13 A. Well, it's a small number is what I would say,
14 meaning there are plenty of other firms around the world
15 that hire software engineers. 16:55:27

16 Q. Less than 1 percent?

17 A. I wouldn't -- I don't know the exact number, but
18 it wouldn't surprise me if it was less than 1 percent.

19 Q. Are you suggesting that in 2005 but for the
20 Adobe-Apple agreement, Adobe would have faced the same 16:55:39
21 recruiting pressures from Apple that Google faced in 2010
22 from Facebook and other startups?

23 A. I --

24 MR. GLACKIN: Object to the form.

25 THE WITNESS: I mean, obviously, this is a 16:56:04

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3
4 I, LESLIE ROCKWOOD, CSR NO. 3452, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 20th day of November, 2013.

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24 _____
25 LESLIE ROCKWOOD, RPR, CSR NO. 3462

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